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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/560,178	12/09/2005	Scott Benton		1383

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EXAMINER

WENDELL, MARK R

ART UNIT	PAPER NUMBER
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3609

MAIL DATE	DELIVERY MODE
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07/20/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.		Applicant(s)	
	10/560,178		BENTON, SCOTT	
	Examiner		Art Unit	
	Mark R. Wendell		3609	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/13/2006</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 11-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Hershey (US 5867963). Regarding claim 11, Hershey illustrates in Figure 1 a parallel chord truss (20) comprising:

- Elongated lateral chord members (22, 24) with at least one of the chord members being continuous;
- A penetrable separating member (28, 28A, 28B) in fixed engagement to at least one chord member (22, 24);
- A means for cross-bracing (52, 56) lateral chord members (22, 24) for permitting access to the penetrable separating member (52, 56).

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Regarding claims 12 and 13, Hershey discloses in Column 1, lines 55-61, that the chord members are made from vertical plywood or particleboard. The examiner notes that plywood is a wood laminate.

Regarding claim 14, Hershey illustrates in Figure 1 that the penetrable separating member (28, 28A, 28B) is an elongate sheet material (wood) in sleeved engagement with each chord member (22, 24).

Regarding claim 15 and 16, Hershey discloses in Column 1, lines 55-61 that the penetrable separating member is made from particleboard.

Regarding claim 17, Hershey discloses in Column 3, lines 41-50 that the means for cross-bracing (52, 56) the lateral chord members (22,24) is a multi-toothed nail plate connector nailed to the chord member. The examiner notes that nailing is a fastening form that requires pressing an object into another.

Regarding claim 18, Hershey illustrates in Figure 1 the cross bracing members (52, 56) being oriented substantially diagonally across the penetrable separating member (28, 28A, 28B).

Regarding claim 19, Hershey illustrates in Figure 1 the cross-bracing members (52, 56) being in a substantially V-shaped pattern. The examiner notes that penetrable

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separating members (28, 28A, 28B) could also be considered cross-bracing members, and they are also substantially V-shaped.

Regarding claim 20, Hershey illustrates in Figure 1 a penetrable separating member (28, 28A, 28B) having apertures (26) so that cabling is passable.

Regarding claim 21, Hershey illustrates in Figure 1 the lateral chord members having a discontinuous chord member to accommodate an obstacle positioned within an aperture.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Scott et al. (US 5867962) teaches a truss with trimmable ends and metal web connectors. Clark (CA 2195616) teaches a truss-type floor joist. Haisch (US 5649403) teaches a truss structure. Koo et al. (US 5592800) teaches a truss with adjustable ends and metal web connectors. Brightwell (US 5560177) teaches a trimmable open web joist.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark R. Wendell whose telephone number is (571) 270-3245. The examiner can normally be reached on Mon-Fri, 7:30AM-5PM, Alt. Fri off, EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Victor Batson can be reached on (571) 272-6987. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Victor Batson
Supervisory Patent Examiner
Art Unit 3609

MRW
July 11, 2007